

Grand Junction, Colorado

March 5, 1975

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. March 5, 1975, in the Civic Auditorium at City Hall. Members present for roll call: President Pro-Tem Tufly, Stanley Anderson, Harry Colescott, Silas Grantham and Councilwoman Jane Quimby. President of the Council Lawrence Kozisek and Councilman Robert Van Houten were absent. Also present: City Attorney Gerald Ashby, Jim Wysocki and City Clerk Neva Lockhart. City Manager Harvey M. Rose was absent.

MINUTES

It was moved by Councilman Colescott and seconded by Councilwoman Quimby that the Minutes of the Regular Meeting February 19, 1975, be approved as written. Motion carried.

CITY PLANNING COMMISSION Land Purchase on Orchard Mesa for Fire Station No. 4, 27 and B 1/2 Rd.

Senior Planner Don Warner illustrated on the map an area consisting of 1.08 acres priced at \$25,000 which he termed ideally located for Fire Station No. 4 in that it allowed access across the highway to the southern part and also the northern part of Orchard Mesa plus either direction on the highway to cover the commercial areas. The location is also ideal because of the distances required by the fire department in getting to both the commercial and residential developments. Mr. Warner stated he asked the sellers for the additional .08 acres because 10 ft. has to be given to the County for a roadway which requires .07 acres leaving a net of 1.01 acres. During discussion with Fire Chief R. T. Mantlo, he reported the running time from the Main Station to Orchard mesa's Unawep or C Rd is about 6 to 7 minutes. And it was estimated response time from the proposed station to the same location would be 5 minutes. Chief Mantlo stated ideal response time is 3 to 5 minutes, and he doubted they could serve the annexed area within that time from the Main Station.

Consensus of Council was that it would like some comparative prices for other properties in the general area. It was moved by Councilman Anderson and seconded by Councilman Colescott to table this request.

DAYS Farm and Ranch Day, April 12, 1975

Mr. Guy Stephens, Chairman of the Downtown Retail Trade Committee, appeared before Council to request the closing of Main Street between Third and Seventh, from 8:00 A.M. Friday, April 11, until 6:30 P.M. Saturday, April 12. Councilman Colescott moved and it was seconded by Councilwoman Quimby that this request be granted.

Motion carried.

DAYS Kiwanis Barbecue, Main Street, Saturday, April 12, 1975

Mr. Ray LaCour, representing the Bookcliff Kiwanis Club, requested permission of the Council for the Third Annual Barbecue on Main Street Saturday, April 12. The barbecue will be set up in front of Vick's Pastry. It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the request be granted. Motion carried.

APPLICATION FOR RENEWAL OF 3.2 BEER LICENSE George W. Pederson, Colescott's Seven Eleven

Councilman Colescott abstained from discussion and voting on the following matter:

An application for renewal of 3.2 beer license by George W. Pederson, Colescott's Seven Eleven, 551 South Avenue, was submitted for consideration.

A report from the Police Department stated there had been no complaints or violations at that establishment during the past licensing period.

It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the application be approved and the license issued when the State license has been received.

ORD. NO. 1554 Howard Johnson Annexation

The Proof of Publication for the following entitled ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Colescott and seconded by Councilman Anderson that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the Ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There were no comments. It was moved by Councilwoman Quimby and seconded by Councilman Grantham that the Ordinance be passed, adopted, numbered 1554, and ordered published. Roll was called upon the motion with all Council members present voting AYE. Motion carried.

RESOLUTION Regarding Placing the Question of Sales Tax Increase Versus Utility Rate Increase on April 8 Ballot

City Attorney Gerald Ashby read the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,

COLORADO, that in the manner provided by law there be submitted to voters at the general municipal election of the City of Grand Junction, Colorado, to be held on April 8, 1975, the following proposed question for decision by the voters as an advisory statement to the City Council, to wit:

"Shall the City Council provide for the payment of increased costs of operation in the utility department, as determined for 1974 and as projected for 1975 and 1976, through the increasing of utility rates or through the use of a portion of the proceeds of an additionally imposed sales tax."

For utility rate increases _____

For use of a portion of additionally imposed sales tax revenue _____

PASSED and ADOPTED this 5th day of March, 1975.

President of the Council Pro Tem

Attest:

City Clerk

Councilman Colescott mentioned whether a true picture of the citizens' wishes would be presented if the third alternative, "For a combination of the two", were placed on the ballot. He felt the vote would be either "For" or split between the second and third alternatives. Councilman Anderson stated since this was to serve as an advisory to the Council, he would have no objection to deleting the third item, "For a combination of the two". The discussion indicated the third item was too vague. It was moved by Councilman Anderson and seconded by Councilman Colescott that the Resolution be adopted with just the two questions. Roll was called upon the motion with all Council members present voting AYE. Motion carried.

I.D. ST-74 ASSESSMENTS Resolution Notice of Hearing

Based on the Engineer's Statement of Completion, City Attorney Gerald Ashby read the following Resolution:

RESOLUTION

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Improvement District No. ST-74 PHASE "B"; and

WHEREAS, the City Council has caused to be prepared a statement

showing the assessable cost of the improvements of Improvement District No. ST 74 PHASE "B" and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the improvements connected therewith in said District be, and the same are hereby, approved and accepted; that said statement be, and the same is hereby, approved and accepted as the statement of the assessable cost of the improvements of said Improvement District No. ST-74 PHASE "B" to be assessed; and

BE IT FURTHER RESOLVED, that the same be apportioned on each lot or tract of land or other real estate to be assessed for the same, together with interest at the average rate of 7.3451 per cent per annum to December 8, 1974; and

BE IT FURTHER RESOLVED, that the City Clerk shall immediately advertise for three days in the Daily Sentinel, a newspaper of general circulation published in said City notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the Clerk within thirty days from the first publication of said notice; that same may be heard and determined by the Council at its first regular meeting after said thirty days and before the passage of the ordinance assessing the cost of the improvements, all being in pursuance of the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

NOTICE

NOTICE IS HEREBY GIVEN to the owners of real estate hereinafter described, said real estate comprising the district of lands known as Improvement District No. ST-74 PHASE "B", and to all persons interested therein as follows:

That the improvements in and for said district, which are authorized by and are in accordance with the terms and provisions of a Resolution passed and adopted on the 1st day of May, 1974, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local improvement district to be known as Improvement District No. ST-74 PHASE "B", with the terms and provisions of a Resolution passed and adopted on the 15th day of May, 1974, adopting details, plans and specifications for said District; and with the terms and provisions of a Resolution passed and adopted on the 3rd day of July, 1974, creating and establishing said District, all being in accordance with the terms

and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

That the whole cost of the improvements to be assessed has been definitely ascertained and is in the sum of \$54,485.94 said amount including six per cent (6%) for cost of collection and other incidentals and interest at the rate of 7.3451 per cent per annum to December 8, 1974; that the part apportioned to and upon each lot or tract of land within said district and assessable for said improvements is hereinafter set forth; that payment may be made to the Treasurer of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance, assessing the real estate in said District for the cost of said improvements, and that the owner so paying should be entitled to an allowance of six per cent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner, or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at its first regular meeting after said last mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively, as by law provided;

That the sum of \$54,485.94 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

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| 2945-013-00-035Beg 30 ft. North and 256.4 ft. East of Southwest Corner Sec. 1, T1S, R1W North 179.4 ft. East 208 ft. South 179.4 ft. East 103.88 ft. North 179.4 ft. East 75 ft. North 130.6 ft. East 16.72 ft. North 290 ft. West | | |
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| 620 ft. South 300 ft. East 216.4 ft. South 300 ft. to Beg.\$3,058.82 | | |
| 2945-013-00-951West 226.4 ft. of Lot 45 Blk. 13 Fairmount Sub. Sec. 1, T1S, R1W Except West 10 ft. for Road3,277.31 | | |
| 2945-013-01-001Lot 20 Blk 1 Eagleton Sub.873.95 | | |
| 2945-013-01-002Lot 19 Blk. 1 Eagleton Sub.341.39 | | |
| 2945-013-01-003Lot 18 Blk. 1 Eagleton Sub.150.21 | | |
| 2945-013-01-018Lot 3 Blk. 1 Eagleton Sub.150.21 | | |
| 2945-013-01-019Lot 2 Blk. 1 Eagleton Sub.341.39 | | |
| 2945-013-01-020Lot 1 Blk. 1 Eagleton Sub.873.95 | | |
| 2945-013-02-009Lot 1 Blk. 2 Eagleton Sub.218.49 | | |

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| <p>2945-024-00-034Beg. North 0° 1' East 640 ft. and South 89° 47' West 40 ft. from Southeast corner Sec. 2, T1S, R1W North 0° 1' East 300 ft. South 89° 47' West 552.67 ft. to Center line of LBC RR South 5° 22' 30" West 301.43 ft. North 89° 47' East 580.83 ft. to Beg.3,277.31</p> | | |
| <p>2945-024-00-036Beg. Southeast Corner Sec. 2, T1S, R1W West 324.67 North 0° 1' East 330.56 ft. East 324.67 ft. South 0° 1' West 330.56 ft. to Beg. Except East 40 ft. for Road3,283.43</p> | | |
| <p>2945-024-06-001Unit 1 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2, T1S, R1W69.52</p> | | |
| <p>2945-024-06-002Unit 2 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52</p> | | |
| <p>2945-024-06-003Unit 3 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2, T1S, R1W69.52</p> | | |

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| 2945-024-06-004Unit 4 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-06-005Unit 5 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-06-006Unit 6 - 3001 Condominium 1st Amend. to AMend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-06-007Unit 7 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-06-008Unit 8 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-06-009Unit 9 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-06-010Unit 10 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |

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| 2945-024-06-011Unit 11 - 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2 T1S, R1W69.52 | | |
| 2945-024-07-001Lot 1 Patterson Gardens Sub., Sec. 2 T1S, R1W1,140.94 | | |
| 2945-024-07-013Lot 13 Patterson Gardens Sub., Sec. 2 T1S, R1W1,151.97 | | |
| 2945-024-07-017East 48 ft. Lot 11 and West 44 ft. Lot 12 Patterson Gardens Sub. Sec. 2, T1S, R1W129.89 | | |
| 2945-024-07-018East 25 ft. Lot 12 Patterson Gardens Sub. Sec. 2, T1S, R1W141.03 | | |
| 2945-024-07-019West 40 ft. Lot 2 and East 50 ft. Lot 3, Patterson Gardens Sub., Sec. 2. T1S, R1W103.89 | | |
| 2945-024-07-020East 30 ft. Lot 2 Patterson Gardens Sub. Sec. 2, T1S, R1W164.41 | | |

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| <p>2945-111-00-119Beg. Northeast Corner Sec. 11, T1S, R1W South 0° 12' 30" East 187.5 ft. to a point North 89° 50' 30" West 210.1 ft. North 0° 37' 30" East 186.1 ft. to a point North 89° 48' 30" East 206.3 ft., and also, Beg. South 187.5 ft. from Northeast corner of Sec. 11, T1S, R1W West 210.1 ft.; thence South 16 ft. East 210.1 ft. North 16 ft. to Beg. Except 30 ft. on North and 35 ft. on East for right of way1,895.38</p> | | |
| <p>2945-111-00-002Beg. 203.5 ft. South of Northeast Corner Northeast one- quarter Northeast one-quarter, Sec. 11, T1S, R1W, West 200 ft. South 100 ft. East 200 ft. North 100 ft. to Beg.1,092.44</p> | | |
| <p>2945-111-00-003Beg. 303.5 ft. South of Northeast Corner Sec. 11, T1S, R1W West 200 ft. South 120 ft. East 200 ft. North to Beg.1,310.92</p> | | |

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| <p>2945-111-00-004Beg. 423.5 ft. South of Northeast Corner Sec. 11, T1S, R1W South 55 ft. West 200 ft. North 55 ft. East to Beg.600.84</p> | | |
| <p>2945-111-00-005Beg. 478.5 ft. South of Northeast Corner Sec. 11, T1S, R1W South 70 ft. West 120 ft. to East Li GV Cnl North 48° 49' West Along Cnl 106.3 ft. East 20 ft. to Beg.764.71</p> | | |
| <p>2945-111-00-975Beg. 30 ft. West and 548.5 ft. South of Northeast Corner of Sec. 11, T1S, R1S West 130 ft.; thence Southeasterly Along Cnl to a point South of Beg. North to Beg.873.95</p> | | |
| <p>2945-111-00-013Beg. Northeast Corner Lot 4 Capitol Hill Sub. Sec. 11 T1S, R1W West 590.5 ft. North 1° 7' East 525 ft. North 32° 26' East 36.5 ft. to South line of GV Cnl Southeasterly Along Cnl to Beg.-0-</p> | | |
| <p>2945-111-00-014Beg. 150 ft. North of Southeast Corner Lot</p> | | |

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| <p>4 Capitol Hill Sub. Sec. 11 T1S, R1W West 175 ft. North 10 ft. West 25 ft. North 170 ft. East to GV Cnl Southeasterly to East line Lot 4 South to Beg. Except D right of way on North1,857.14</p> | | |
| <p>2945-111-00-015Beg. Southeast Corner Lot 4 Capitol Hill Sub. Sec. 11, T1S, R1W, North 150 ft. West 125 ft. South 150 ft. East to Beg. Except South 15 ft. for Road1,340.09</p> | | |
| <p>2945-111-00-016Beg. 125 ft. West of Southeast Corner Lot 4 Capitol Hill Sub. Sec. 11, T1S, R1W North 150 ft. West 50 ft. South 150 ft. East to Beg.134.70</p> | | |
| <p>2945-111-00-080Beg. Northeast Corner Southeast one- quarter Northeast one-quarter Sec. 11 T1S, R1W West 200 ft. South 11 ft. East 200 ft. North to Beg.1,092.44</p> | | |
| <p>2945-111-00-081Beg. 100 ft. South of Northeast Corner South one-half Northeast one- quarter Sec. 11,</p> | | |

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| <p>T1S, R1W West 200 ft. South 100 ft. East 200 ft. North to Beg.1,092.44</p> | | |
| <p>2945-111-00-082Beg. 200 ft. South of Northeast Corner Southeast one-quarter Northeast one-quarter Sec. 11, T1S, R1W West 200 ft. South 65 ft. East 200 ft. North to Beg. Except 40 ft. Street on East710.08</p> | | |
| <p>2945-111-00-083Beg. 265 ft. South of Northeast Corner South one-half Northeast one-quarter Sec. 11, T1S, R1W West 200 ft. South 65 ft. East 200 ft. North to Beg. Except East 40 ft. for street710.08</p> | | |
| <p>2945-111-00-098Beg. Northeast Corner South one-half Northeast one-quarter Southeast one-quarter Northeast one-quarter Sec. 11 T1S, R1W, South 130 ft. West 200 ft. South 35 ft. West 469 ft. North 165 ft. East to Beg. Except West 125 ft. and Except Road in B 816 P 138 C. Clerk's officel,420.17</p> | | |

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| <p>2945-111-00-088Beg. 200 ft. North of Southeast Corner Northeast one- quarter Southeast one-quarter Northeast one- quarter, Sec. 11 T1S, R1W, West 200 ft. South 55 ft. East 200 ft. North to Beg. Except East 40 ft. for street600.84</p> | | |
| <p>2945-111-00-090Beg. 40 ft. West and 25 ft. North of Southeast Corner Northeast one- quarter Southeast one-quarter Northeast one- quarter Sec. 11, T1S, R1W North 120 ft. West 160 ft. South 120 ft. East to Beg.1,310.92</p> | | |
| <p>2945-122-00-011Beg. 10 ft. West of Northwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, South 111 ft. East 300 ft. North 111 ft. West 300 ft. to Beg.1,212.60</p> | | |
| <p>2945-122-00-012Beg. 10 ft. West and 111 f. South of Northwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W South 99 ft. East 175 ft. North 14 ft. East 125 ft.</p> | | |

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| <p>North 85 ft. West to Beg.1,081.51</p> | | |
| <p>2945-122-00-015Beg. 10 ft. West and 210 ft. South of Northwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, South 70 ft. East 175 ft. North 70 ft. West to Beg.764.71</p> | | |
| <p>2945-122-00-020Beg. 10 ft. West and 235 ft. North of Southwest Corner Lot 37 Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, North 85 ft. East 175 ft. South 85 ft. West to Beg.928.57</p> | | |
| <p>2945-122-00-022Beg. 10 ft. West and 150 ft. North of Southwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W East 175 ft. North 85 ft. West 175 ft. South to Beg.928.57</p> | | |
| <p>2945-122-00-023Beg. 990 ft. North and 10 ft. West of Southwest Corner Lot 37 Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, North 60 ft. East 100 ft. South 60 ft. West to Beg.517.81</p> | | |

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| <p>2945-122-00-033Beg. 165 ft. East of Southwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, North 150 ft. West 75 ft. South 150 ft. East to Beg.344.12</p> | | |
| <p>2945-122-00-034Beg. 10 ft. West of Southwest Corner Lot 37 Blk. 11 Fairmount Sub. Sec. 12 T1S, R1W, North 90 ft. East 100 ft. South 90 ft. West to Beg.776.72</p> | | |
| <p>2945-122-00-035Beg. 10 ft. West of Northwest Corner Lot 30 Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W, East 160 ft. South 75 ft. West 160 ft. North 75 ft. to Beg.819.33</p> | | |
| <p>2945-122-00-036Beg. 75 ft. South and 10 ft. West of Northwest Corner Blk. 9 Fairmount Sub. Sec. 12 T1S, R1W, East 160 ft. South 75 ft. West 160 ft. North to Beg.819.33</p> | | |
| <p>2945-122-00-037Beg. 150 ft. South and 10 ft. West of Northwest Corner Blk. 9 Fairmount</p> | | |

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| <p>Sub. Sec. 12, T1S, R1W, East 160 ft. South 75 ft. West 160 ft. North to Beg.819.33</p> | | |
| <p>2945-122-00-044Beg. 225 ft. South and 10 ft. West of Northwest Corner Lot 30 Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W East 160 ft. South 183 ft. to GV Cnl Northwesterly along Canal to East Line of 12th Street to Beg.819.33</p> | | |
| <p>2945-122-00-045West 155 ft. of Lot 29, Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W, South of GV Canal1,848.95</p> | | |
| <p>2945-122-00-064Lot 14 Blk. 5 Fairmount Sub. Sec. 12 T1S, R1W, Except South 50 ft. of West 240 ft.2,731.09</p> | | |
| <p>2945-122-00-074Beg. Southwest Corner Lot 14 Blk. 5 Fairmount Sub. Sec. 12, T1S, R1W North 50 ft. East 240 ft. South 50 ft. West to Beg.546.22</p> | | |
| <p>2945-122-00-076Lot 13 and 16 Blk. 5 Fairmount Sub. Sec. 12, T1S, R1W Except</p> | | |

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| North 75 ft. of West 230 ft. and Except South 115 ft. of Lot 13 and Except East 180 ft. of South 150 ft. Lot 16 and Except East 120 ft. of North 130 ft. of South 280 ft. Lot 161,301.68 | | |
| 2945-122-00-083South 115 ft. of Lot 13 Blk. 5 Fairmount Sub. Sec. 12, T1S, R1W1,256.30 | | |
| 2945-122-00-115Beg. Northwest Corner Lot 13 Block 5 Fairmount Sub. Sec. 12 T1S, R1W East 230 ft. South 75 ft. North to Beg.819.33 | | |

Dated at Grand Junction, Colorado, this 5th day of March, 1975.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,
COLORADO

By

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| STATE OF COLORADO) | | |
|) ss: | | |
| COUNTY OF MESA) | | |

I, LAWRENCE L. KOZISEK, President of the City Council of the City of Grand Junction, Colorado, do hereby certify that the above and foregoing is the statement showing the assessable cost of the improvements in Grand Junction Improvement District No. ST-74, PHASE "B", and apportions the cost upon each lot or tract of land or other real estate to be assessed for the same, all in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

Dated this 5th day of March, 1975

President of the City Council

Attest:

City Clerk

It was moved by Councilman Grantham and seconded by Councilman Colescott that the Resolution be adopted and read. Roll was called upon the motion with all Council members present voting AYE. Motion carried.

PROPOSED CHARTER AMENDMENT ALTERING ARTICLE IX, SECTION 72, ON
APRIL 8 BALLOT

City Attorney Gerald Ashby read the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, that in the manner provided by law there be submitted to voters at the general municipal election of the City of Grand Junction, Colorado, to be held on April 8, 1975, the following proposed amendment to the Charter of the City of Grand Junction, Colorado, for decision by the voters as to whether such amendment should be adopted, to wit:

That Section 72 of Article IX of the Charter of the City of Grand Junction relating to the public monies of the City be, and the same is hereby amended to read as follows:

72. PUBLIC MONEY. - The cash balance of the city in the hands of the city treasurer shall be deposited by the same in SUCH BANK OR BANKS OF THE CITY OF GRAND JUNCTION AS THE CITY COUNCIL MAY FROM TIME TO TIME DIRECT. Nothing herein shall prevent said treasurer, under the orders of the city council, from temporarily having such funds otherwise deposited, or from having any such funds otherwise

invested. No demand for money shall be approved, allowed, audited or paid unless it shall be in writing, dated and sufficiently itemized to identify the demand against the city. (New material is in capital letters.)

The question of adoption of the foregoing amendment shall be placed upon the ballot at such election in the following manner:

"FOR AN AMENDMENT amending Section 72 of Article IX of the Charter of the City of Grand Junction relating to public money of the City."

"AGAINST AN AMENDMENT amending Section 72 of Article IX of the Charter of the City of Grand Junction relating to public money of the City."

PASSED and ADOPTED this 5th day of March, 1975.

President of the Council

Attest:

City Clerk

Councilwoman Quimby commented that at an earlier discussion, the amount of money over and above what was insured was 110%, and that the financial institutions must pledge that as a guarantee against that money which is not insured. Councilman Grantham requested clarification of the phrase in Vic Vance's letter "hours of deposit". it was felt that this possibly related to just one person being utilized to make one deposit in one bank rather than several as it is now, or that maybe by using one bank, the bank would provide the service of picking up and making the deposit. This is done in some areas.

It was moved by Councilman Colescott and seconded by Councilwoman Quimby that the Resolution be adopted as read. Roll was called upon the motion with all Council members present voting AYE. Motion carried.

THE DAILY SENTINEL USE TAX DECISION

Attorney Bill Foster appeared on behalf of the Daily Sentinel to discuss with Council the decision to be made concerning the charge of Use Tax on construction materials and on the new press purchased to replace one lost in the April, 1974 fire at the Daily Sentinel. He stated that under the existing Ordinance, had they traded the old press company on a new one, they would have received credit against the Use Tax. However, since the insurance company was involved, the loss payable check was written to the

Sentinel and the press manufacturing company because the old press was not completely paid for, and the insurance company took the destroyed press; thus there is really a three-party transaction. In the past, this has been treated by the Treasurer as a trade-in, but this has been on much smaller items. Since this involved such a large item, the Sentinel felt it should be brought before the Council. Mr. Foster asked that Council consider whether or not the three-party transaction be considered as a trade-in under the Ordinance. Beyond that he wanted to present to the Council for its consideration an amendment to the Ordinance for future reference providing that the fair market value of a casualty loss be treated the same as a trade-in today for credit against Sales or Use Tax. He stated also that he felt of all the areas in which to collect revenues, the area of collection based upon someone suffering a casualty loss was a very poor one, and there were more appropriate areas in which to bring in revenue. He also requested of the Council that because of the size in this particular instance, they not impose a penalty on this amount.

Following Mr. Foster's proposal there was considerable discussion concerning fair market value, the assessed penalty, Use Tax on materials to rebuild. Councilman Colescott stated that until it has been settled with the State, no penalty should be imposed, and that the bill should stand with the money held in escrow--if the Sentinel doesn't pay the State, then they don't pay the City. In order to reach a conclusion, Mr. Foster stated that the Sentinel could and would furnish appraisals of the destroyed press, affidavits and whatever papers might be necessary to provide the Treasurer necessary information on which to base a charge of Use Tax.

Councilman Anderson moved that:

(1) The City Attorney be instructed to prepare a motion to bring to the next meeting which would be an advisory to the City Treasurer that he can use salvage value in computation of sales tax in the same way he uses trade-in value in computation of sales tax, which motion was seconded by Councilman Grantham and carried;

(2) The City Attorney commence to prepare an amendment to the Ordinance which would allow the sales tax to be paid on the difference between the market value at the time of the loss and the sale price of the replacement article, which motion was seconded by Councilman Grantham and carried;

(3) An instruction that the penalty and interest would be waived in the event penalty and interest were waived by the State of Colorado, which motion failed for lack of a second.

Mr. Foster made the statement that the Daily Sentinel will wait until after the next meeting of Council to file the State return in order to be consistent with Council's position. It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the penalty be waived, but that interest be charged from the date the

tax was due until the date paid. Motion carried with Councilman Anderson voting NO.

MISCELLANEOUS

Councilwoman Quimby acknowledged visiting students from West Junior High and invited their questions, if any. There were none.

ADJOURNMENT

It was moved by Councilman Anderson and duly seconded that the meeting be adjourned. Motion carried.

Neva B. Lockhart

City Clerk